

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Communications Assistance for Law	)	ET Docket No. 04-295
Enforcement Act and Broadband Access and	)	
Services	)	RM-10865

**REPLY COMMENTS OF  
WiscNet**

WiscNet respectfully submits these reply comments in response to the Further Notice of Proposed Rulemaking adopted in the above-captioned docket.<sup>1</sup>

WiscNet is the education, research and public service network and nonprofit membership association that exclusively serves Wisconsin’s education, research and government institutions.

We support here the comments offered by several national coalitions whose members and considered positions match those of our state association.

We base our support upon experience and perspective learned during 16 years of providing packet-based broadband network access services across a succession of private statewide networks to our diverse membership.

We have direct experience complying with lawful orders to assist law enforcement within our statewide private network and, as required, with such orders directed to our members.

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<sup>1</sup> *Communications Assistance for Law Enforcement Act and Broadband Access and Services*, First Report and Order and Further Notice of Proposed Rulemaking, ET Docket No. 04-295, FCC 05-153 (rel. Sept. 23, 2005) (“*Order*”).

## **Higher Education.**

On behalf of the 72 Wisconsin colleges and universities that belong to our association, WiscNet supports the comments filed by the Higher Education Coalition. We concur that the FCC should rule that the private networks operated by colleges, universities, and research institutions are exempt from CALEA.

Based on our long fiscal and strategic experience with our member institutions, we concur that it is not in the public interest to apply CALEA to their institutional broadband networks (and to WiscNet's interconnecting private network): the significant and immediate compliance-costs will reduce our members' abilities to meet their core responsibilities to students, to Wisconsin and to our Nation.

For example, if the Commission should order that state education and research networks must comply with CALEA, we estimate that WiscNet may need up to \$4,000,000 in new fees from our members in the next 12 months to buy ostensibly-compliant routers and switches.

Should the Commission also order compliance for each institution's own private network, our members will face additional, significant and immediate unbudgeted costs to buy ostensibly-compliant equipment and to institute the staffing and procedural changes requested by the United States Department of Justice.

We also concur that existing procedures and capabilities within our members and within WiscNet do suffice to ensure prompt compliance with any lawful surveillance order by a law enforcement agency, based on our direct experience of such (very rare) orders and the (very rare) requests for compliance-assistance made to us by our higher education members.

## **Libraries.**

On behalf of the 347 public libraries and 10 regional library systems in Wisconsin that belong to our association, WiscNet supports the comments filed by the American Library Association, the Association of Research Libraries and the Association of College and Research Libraries (“ALA/ARL/ACRL”).

We concur that the Commission should confirm that libraries and the private nonprofit networks (including state education and research networks such as WiscNet) that interconnect them and route traffic to the commercial Internet are not subject to CALEA compliance-requirements per the *CALEA Broadband Order*.

We concur that, if the Commission rules to the contrary, then the Commission should immediately exempt libraries and their interconnecting private networks.

## **K-12 Institutions.**

On behalf of the 346 private schools, public school districts and regional educational service agencies in Wisconsin that belong to our association, WiscNet supports the reply comments filed by the International Society for Technology in Education and the Consortium on School Networking (“ISTE/COSN”) that are complementary to the ALA/ARL/ACRL comments.

We concur that the Commission should confirm that accredited K-12 institutions, including any public or private elementary or secondary school, recognized or approved by the Department of Education of the State in which it is located, and the private nonprofit networks (including state education and research networks such as WiscNet) that interconnect them and route traffic to the commercial Internet, are not subject to CALEA compliance-requirements per the *CALEA Broadband Order*.

We further concur that, if the Commission rules to the contrary, then the Commission should immediately exempt K-12 institutions and their interconnecting private networks.

## **Conclusion**

WiscNet respectfully requests that the Commission clarify that (1) private networks operated by higher education and research institutions, libraries, and K12 institution as well as (2) the private nonprofit networks (including state education and research networks such as WiscNet) that interconnect these institutions and route traffic to the commercial Internet, are not subject to CALEA, or alternatively grant an exemption under Section 102(8)(C)(ii) of CALEA.

Respectfully submitted,

Shaun Abshire  
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